

ESTTA Tracking number: **ESTTA260134**

Filing date: **01/12/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Gecko Trading Company, Inc.
Granted to Date of previous extension	01/10/2009
Address	PO Box 1650 Makawao, HI 96768 UNITED STATES
Attorney information	Bruce B. Brunda Stetina Brunda Garred & Brucker 75 Enterprise Ste 250 Aliso Viejo, CA 92656 UNITED STATES opposition@stetinalaw.com Phone:949-855-1246

Applicant Information

Application No	77492941	Publication date	11/11/2008
Opposition Filing Date	01/12/2009	Opposition Period Ends	01/10/2009
Applicant	Gekko Japan Co., Ltd 4-59-3 Yoyogi, Shibuya-ku Tokyo, 151-0053 JAPAN		

Goods/Services Affected by Opposition

Class 014. All goods and services in the class are opposed, namely: jewelry, bracelets, rings, necklaces, and earrings

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1510173	Application Date	07/25/1984
Registration Date	10/25/1988	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark			


Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1982/04/30 First Use In Commerce: 1983/03/20 CLOTHING, NAMELY SHIRTS, DRESSES, SWEATSUITS, HATS, SHORTS, SKIRTS AND SHOES

U.S. Registration No.	1512691	Application Date	07/15/1985
Registration Date	11/15/1988	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1982/07/00 First Use In Commerce: 1983/03/00 TEXTILE TOTE BAGS AND DUFFLE BAGS		

U.S. Registration No.	1514657	Application Date	05/26/1987
Registration Date	11/29/1988	Foreign Priority Date	NONE
Word Mark	MAUI GECKO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1982/04/30 First Use In Commerce: 1983/03/20 CLOTHING, NAMELY SHIRTS, DRESSES, SWEATSUITS, HATS, SHORTS, SKIRTS AND SHOES		

U.S. Registration No.	1786819	Application Date	09/18/1992
Registration Date	08/10/1993	Foreign Priority Date	NONE
Word Mark	GECKO HAWAII		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1986/05/30 First Use In Commerce: 1986/05/30 clothing; namely, shirts, dresses, sweatsuits, hats, shorts, skirts and shoes		

U.S. Registration No.	1943766	Application Date	09/29/1994
Registration Date	12/26/1995	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1982/04/00 First Use In Commerce: 1982/04/00 retail and wholesale stores featuring apparel, beach products, stuffed dolls and		

	novelty items		
U.S. Registration No.	2049055	Application Date	04/22/1996
Registration Date	04/01/1997	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1996/03/20 First Use In Commerce: 1996/03/20 skin cleansing soaps and gels, bubble bath, cosmetics, namely, body lotions, skin moisturizers, after-sun lotions, hair products, namely, hair lotions, hair shampoos, hair conditioners, and essential oils for personal use		
U.S. Registration No.	2260689	Application Date	02/23/1998
Registration Date	07/13/1999	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1984/02/08 First Use In Commerce: 1985/01/01 SUNGLASSES, EYEGLASSES, EYEGLASS CASES, EYEGLASS STRAPS TO ATTACH TO EYEGLASSES		
U.S. Registration No.	2287612	Application Date	07/10/1998
Registration Date	10/19/1999	Foreign Priority Date	NONE
Word Mark	GECKO HAWAII		

Design Mark	GECKO HAWAII
Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 1992/05/00 First Use In Commerce: 1992/05/00 TOWELS

U.S. Registration No.	2308720	Application Date	07/10/1998
Registration Date	01/18/2000	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark	GECKO		
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1992/05/00 First Use In Commerce: 1992/05/00 TOWELS		

U.S. Registration No.	2347417	Application Date	11/13/1995
Registration Date	05/02/2000	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark	GECKO		
Description of	NONE		

Mark	
Goods/Services	Class 028. First use: First Use: 1999/05/13 First Use In Commerce: 1999/08/24 sporting goods, namely, snowboards, surfboards, skateboards and in-line skates


U.S. Registration No.	2446676	Application Date	10/20/1997
Registration Date	04/24/2001	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1985/12/07 First Use In Commerce: 1986/09/20 jewelry, clocks, watches		

U.S. Registration No.	2453448	Application Date	10/20/1997
Registration Date	05/22/2001	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2000/06/08 First Use In Commerce: 2000/06/08 beverage glassware, mugs, plates		

U.S. Registration No.	2463090	Application Date	11/03/1997
Registration Date	06/26/2001	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1985/01/01 First Use In Commerce: 1987/11/11 toys, namely, stuffed toys animals and flying disks		

U.S. Registration No.	1903602	Application Date	10/02/1992
Registration Date	07/04/1995	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1995/02/06 First Use In Commerce: 1995/02/06 clothing; namely, pajamas		

U.S. Registration No.	2482688	Application Date	10/20/1997
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Registration Date	08/28/2001	Foreign Priority Date	NONE
Word Mark	GECKO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 2000/06/06 First Use In Commerce: 2000/06/06 [cigars, cigarettes, and] smoking accessories, namely, cigarette and cigar lighters not of precious metal, [cigar holders not of precious metal,] pipe cleaners, cigar humidors, cigar cutters, cigarette holders not of precious metal, [and rolling papers]		

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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Bruce B. Brunda/
Name	Bruce B. Brunda
Date	01/12/2009

Case: TBEAR-129M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN RE SERIAL NO. 77/492,941

Gecko Trading Company, Inc.,)	Opposition No.:
)	
Opposer,)	
)	
vs.)	
)	
Gekko Japan Co., Ltd,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

BOX TTAB - FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

In the matter of the application of Gekko Japan Co., Ltd of Tokyo, Japan (hereinafter “Applicant”) for registration of the trademark 8010 GEKKO (stylized), Application Serial No. 77/492,941, published November 11, 2008 at TM 514, Gecko Trading Company, Inc., a Hawaii corporation, with offices at 3621 Baldwin Avenue, Makawao, Hawaii (hereinafter “Opposer”), believes that it will be damaged by registration of the mark shown in Serial No. 77/492,941, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive development, advertising, licensing and marketing of a variety of products including

shirts, dresses, sweatsuits, hats, shorts, skirts, and shoes, as well as textile tote bags and duffle bags; skin cleansing soaps and gels; sunglasses and eyeglasses; towels; sporting goods and jewelry; picture frames and acoustically transparent art prints designed specifically for use as decorative loudspeaker covers or loudspeaker grilles; electroacoustic sound generators and speakers and confectionaries. In connection therewith, Opposer has licensed used, and/or filed federal applications with an intent to use, in interstate commerce, the marks GECKO, MAUI GECKO, GECKO HAWAII, GEKKO and ART GEKKO (hereinafter collectively referred to as the GECKO TRADEMARKS) for the aforementioned goods since long prior to Applicant's filing dates of the applications of Serial No. 77/492,941 for the mark 8010 GEKKO (stylized).

2. Since at least as early as April, 1982, Opposer has made use of its GECKO TRADEMARKS throughout the United States in interstate commerce. Since adoption of its GECKO TRADEMARKS, Opposer has continuously used those marks throughout the United States in interstate commerce.

3. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its products, and has created valuable goodwill among the purchasing public under its GECKO TRADEMARKS.

4. As a result of the continuous and extensive use of the GECKO TRADEMARKS by Opposer, those marks have become and continue to function as a valuable business and marketing asset of Opposer, and serve to indicate to the trade and consuming public the products originating from Opposer and its authorized representative.

5. Opposer has obtained United States Trademark Registration No. 1,510,173, registered October 25, 1988, for the mark GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 1**.

6. Opposer has obtained United States Trademark Registration No. 1,512,691, registered November 15, 1988, for the mark GECKO for the goods set forth in that registration. A copy of that registration n is attached hereto as **Exhibit 2**.

7. Opposer has obtained United States Trademark Registration No. 1,514,657, registered November 29, 1988, for the mark MAUI GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 3**.

8. Opposer has obtained United States Trademark Registration No. 1,786,819, registered August 10, 1993, for the mark GECKO HAWAII for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 4**.

9. Opposer has obtained United States Service Mark Registration No. 1,943,766, registered December 26, 1995, for the mark GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 5**.

10. Opposer has obtained United States Trademark Registration No. 2,049,055, registered April 1, 1997, for the mark GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 6**.

11. Opposer has obtained United States Trademark Registration No. 2,260,689, registered July 13, 1999, for the mark GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 7**.

12. Opposer has obtained United States Trademark Registration No. 2,287,612, registered October 19, 1999, for the mark GECKO HAWAII for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 8**.

13. Opposer has obtained United States Trademark Registration No. 2,308,720, registered January 18, 2000, for the mark GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 9**.

14. Opposer has obtained United States Trademark Registration No. 2,347,417, registered May 2, 2000, for the mark GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 10**.

15. Opposer has obtained United States Trademark Registration No. 2,446,676, registered April 24, 2001, for the mark GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 11**.

16. Opposer has obtained United States Trademark Registration No. 2,453,448, registered May 22, 2001, for the mark GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 12**.

17. Opposer has obtained United States Trademark Registration No. 2,463,090, registered June 26, 2001, for the mark GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 13**.

18. Opposer has obtained United States Trademark Registration No. 1,903,602, registered July 4, 1995, for the mark GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 14**.

19. Opposer has obtained United States Trademark Registration No. 2,482,688, registered August 28, 2001, for the mark GECKO for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 15**.

20. Notwithstanding Opposer's rights in and to said GECKO TRADEMARKS, Applicant, on information and belief, filed an application for registration of 8010 GEKKO (stylized) in International Class 014 for jewelry, bracelets, rings, necklaces, and earrings. Said application was published for opposition in the Official Gazette on November 11, 2008.

21. Pursuant to Trademark Rules of Practice 2.102, Opposer filed a First Request to Extend Time for Filing this Notice of Opposition against the mark 8010 GEKKO (stylized), Serial No. 77/492,941, until Saturday, January 10, 2009. A copy of said Request to Extend Time is attached hereto as **Exhibit 16**.

22. Applicant's 8010 GEKKO (stylized) mark is confusingly similar to Opposer's GECKO TRADEMARKS and its registration and use by Applicant on the goods claimed in the subject applications is likely to cause confusion, deception and mistake.

23. Applicant's use of the mark 8010 GEKKO (stylized) interferes with Opposer's use of its GECKO TRADEMARKS and use of, or registration of, the mark 8010 GEKKO (stylized) by Applicant will seriously damage Opposer.

24. Opposer's GECKO TRADEMARKS are famous marks. Applicant began use of the mark 8010 GEKKO (stylized) after Opposer's GECKO TRADEMARKS became famous and Applicant's use of the mark 8010 GEKKO (stylized) causes dilution of the distinctive quality of Opposer's famous GECKO TRADEMARKS.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that registration of the mark 8010 GEKKO (stylized) to Applicant be denied.

The filing fee for this Opposition in the amount of \$300 (one international class) is authorized to be charged to Opposer's representative's Deposit Account.

Respectfully submitted,

STETINA BRUNDA GARRED & BRUCKER

Dated: January 12, 2009

By: 

Bruce B. Brunda, Reg. No. 28,497
75 Enterprise, Suite 250
Aliso Viejo, CA 92656
(949) 855-1246
Counsel for Opposer,
Gecko Trading Company, Inc.

Exhibit 1

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,510,173

Registered Oct. 25, 1988

**TRADEMARK
PRINCIPAL REGISTER**

GECKO

T. BEARS OF MAUI (PARTNERSHIP)
107 PALENA PLACE
KULA, HI 96790

FIRST USE 4-30-1982; IN COMMERCE
3-20-1983.

FOR: CLOTHING, NAMELY SHIRTS,
DRESSES, SWEATSUITS, HATS, SHORTS,
SKIRTS AND SHOES, IN CLASS 25 (U.S. CL.
39).

SER. NO. 491,536, FILED 7-25-1984.

ERIC WACHSPRESS, EXAMINING ATTORNEY

Exhibit 2

Int. Cl.: 18

Prior U.S. Cl.: 3

United States Patent and Trademark Office

Reg. No. 1,512,691

Registered Nov. 15, 1988

**TRADEMARK
PRINCIPAL REGISTER**

GECKO

T. BEARS OF MAUI (PARTNERSHIP)
107 PALENA PLACE
KULA, HI 96790

THE ENGLISH TRANSLATION OF THE
WORD "GECKO" IS "LIZARD".

FOR: TEXTILE TOTE BAGS AND DUFFLE
BAGS, IN CLASS 18 (U.S. CL. 3).
FIRST USE 7-0-1982; IN COMMERCE
3-0-1983.

SER. NO. 547,750, FILED 7-15-1985.

DEBORAH S. COHN, EXAMINING ATTORNEY

Exhibit 3

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office **Reg. No. 1,514,657**
Registered Nov. 29, 1988

TRADEMARK
PRINCIPAL REGISTER

MAUI GECKO

GECKO TRADING COMPANY (PARTNER-
SHIP)
3621 BALDWIN AVENUE
MAKAWAO, HI 96768

FOR: CLOTHING, NAMELY SHIRTS,
DRESSES, SWEATSUITS, HATS, SHORTS,
SKIRTS AND SHOES, IN CLASS 25 (U.S. CL.
39).

FIRST USE 4-30-1982; IN COMMERCE
3-20-1983.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "MAUI", APART FROM THE
MARK AS SHOWN.

THE ENGLISH TRANSLATION OF THE
TERM "GECKO" IN THE MARK IS "LIZARD".

SER. NO. 662,653, FILED 5-26-1987.

MARIA SOLOMON, EXAMINING ATTORNEY

Exhibit 4

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office Reg. No. 1,786,819
Registered Aug. 10, 1993

**TRADEMARK
PRINCIPAL REGISTER**

GECKO HAWAII

GECKO TRADING COMPANY (HAWAII COR-
PORATION)
P.O. BOX 1650
MAKAWAO, HI 96768

FOR: CLOTHING; NAMELY, SHIRTS,
DRESSES, SWEATSUITS, HATS, SHORTS,
SKIRTS AND SHOES, IN CLASS 25 (U.S. CL.
39).

FIRST USE 5-30-1986; IN COMMERCE
5-30-1986.

OWNER OF U.S. REG. NOS. 1,510,173,
1,512,691, AND 1,514,657.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "HAWAII", APART FROM THE
MARK AS SHOWN.

THE TERM "GECKO" IS BELIEVED TO BE
A HAWAIIAN TERM REFERRING TO SPECIES
OF LIZARD.

SER. NO. 74-315,059, FILED 9-18-1992.

KAREN L. FEISTHAMEL, EXAMINING AT-
TORNEY

Exhibit 5

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 1,943,766

Registered Dec. 26, 1995

**SERVICE MARK
PRINCIPAL REGISTER**

GECKO

**GECKO TRADING COMPANY (HAWAII COR-
PORATION)
3621 BALDWIN AVENUE
MAKAWAO, HI 96768**

**FOR: RETAIL AND WHOLESALE STORES
FEATURING APPAREL, BEACH PRODUCTS,
STUFFED DOLLS AND NOVELTY ITEMS, IN
CLASS 42 (U.S. CLS. 100 AND 101).**

**FIRST USE 4-0-1982; IN COMMERCE
4-0-1982.**

**OWNER OF U.S. REG. NOS. 1,510,173, 1,786,819
AND OTHERS.**

SER. NO. 74-579,936, FILED 9-29-1994.

THERESA KAISER, EXAMINING ATTORNEY

Exhibit 6

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 2,049,055

United States Patent and Trademark Office

Registered Apr. 1, 1997

**TRADEMARK
PRINCIPAL REGISTER**

GECKO

GECKO TRADING COMPANY (HAWAII COR-
PORATION)
P.O. BOX 1650
MAKAWAO, HI 96768

FOR: SKIN CLEANSING SOAPS AND GELS,
BUBBLE BATH, COSMETICS, NAMELY, BODY
LOTIONS, SKIN MOISTURIZERS, AFTER-SUN
LOTIONS, HAIR PRODUCTS, NAMELY, HAIR
LOTIONS, HAIR SHAMPOOS, HAIR CONDI-
TIONERS, AND ESSENTIAL OILS FOR PER-

SONAL USE, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50,
51 AND 52).

FIRST USE 3-20-1996; IN COMMERCE
3-20-1996.

OWNER OF U.S. REG. NOS. 1,510,173, 1,512,691
AND OTHERS.

SER. NO. 75-092,468, FILED 4-22-1996.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Exhibit 7

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,260,689

United States Patent and Trademark Office

Registered July 13, 1999

**TRADEMARK
PRINCIPAL REGISTER**

GECKO

GECKO TRADING COMPANY, INC. (HAWAII
CORPORATION)
3621 BALDWIN AVENUE
MAKAWO, HI 96768

FIRST USE 2-8-1984; IN COMMERCE
1-1-1985.

OWNER OF U.S. REG. NOS. 1,510,173, 2,049,035
AND OTHERS.

FOR: SUNGLASSES, EYEGLASSES, EYE-
GLASS CASES, EYEGLASS STRAPS TO
ATTACH TO EYEGLASSES, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

SER. NO. 75-438,293, FILED 2-23-1998.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Exhibit 8

Int. Cl.: 24

Prior U.S. Cls.: 42 and 50

Reg. No. 2,287,612

United States Patent and Trademark Office

Registered Oct. 19, 1999

**TRADEMARK
PRINCIPAL REGISTER**

GECKO HAWAII

GECKO TRADING COMPANY, INC. (HAWAII
CORPORATION)
3621 BALDWIN AVENUE
MAKAWAO, HI 96768

FOR: TOWELS, IN CLASS 24 (U.S. CLS. 42
AND 50).

FIRST USE 5-0-1992; IN COMMERCE
5-0-1992.

OWNER OF U.S. REG. NOS. 1,510,173, 2,049,055
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "HAWAII", APART FROM THE
MARK AS SHOWN.

SER. NO. 75-516,507, FILED 7-10-1998.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Exhibit 9

Int. Cl.: 24

Prior U.S. Cls.: 42 and 50

United States Patent and Trademark Office

Reg. No. 2,308,720

Registered Jan. 18, 2000

**TRADEMARK
PRINCIPAL REGISTER**

GECKO

GECKO TRADING COMPANY, INC. (HAWAII
CORPORATION)
3621 BALDWIN AVENUE
MAKAWAO, HI 96768

FIRST USE 3-0-1992; IN COMMERCE
5-0-1992.
OWNER OF U.S. REG. NOS. 1,510,173, 2,049,055
AND OTHERS.

FOR: TOWELS, IN CLASS 24 (U.S. CLS. 42
AND 50).

SER. NO. 75-516,508, FILED 7-10-1998.
LYNN A. LUTHEY, EXAMINING ATTORNEY

Exhibit 10

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,347,417

Registered May 2, 2000

**TRADEMARK
PRINCIPAL REGISTER**

GECKO

GECKO TRADING COMPANY (HAWAII COR-
PORATION)
3621 BALDWIN AVENUE
MAKAWAO, HI 96758

FOR: SPORTING GOODS, NAMELY, SNOW-
BOARDS, SURFBOARDS, SKATEBOARDS
AND IN-LINE SKATES, IN CLASS 28 (U.S. CLS.
22, 23, 38 AND 50).

FIRST USE 5-13-1999; IN COMMERCE
8-24-1999.

OWNER OF U.S. REG. NOS. 1,510,173,
1,943,766, AND OTHERS.

SN 75-018,517, FILED 11-13-1995.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Exhibit 11

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28, and 50

Reg. No. 2,446,676

United States Patent and Trademark Office

Registered Apr. 24, 2001

**TRADEMARK
PRINCIPAL REGISTER**

GECKO

**GECKO TRADING COMPANY, INC. (HAWAII
CORPORATION)
3621 BALDWIN AVENUE
MAKAWAO, HI 96768**

**OWNER OF U.S. REG. NOS. 1,510,173, 1,512,691,
AND 1,943,766.**

**FOR: JEWELRY, CLOCKS, WATCHES, IN CLASS
14 (U.S. CLS. 2, 27, 28 AND 50).**

SN 75-375,600, FILED 10-20-1997.

FIRST USE 12-7-1985; IN COMMERCE 9-20-1986.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Exhibit 12

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40, and 50

Reg. No. 2,453,448

United States Patent and Trademark Office

Registered May 22, 2001

**TRADEMARK
PRINCIPAL REGISTER**

GECKO

GECKO TRADING COMPANY, INC. (HAWAII
CORPORATION)
3621 BALDWIN AVENUE
MAKAWAO, HI 96768

OWNER OF U.S. REG. NOS. 1,510,173, 1,512,691,
AND 1,943,766.

FOR: BEVERAGE GLASSWARE, MUGS, PLATES,
IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

SN 75-375,601, FILED 10-20-1997.

FIRST USE 6-8-2000; IN COMMERCE 6-8-2000.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Exhibit 13

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

United States Patent and Trademark Office

Reg. No. 2,463,090

Registered June 26, 2001

**TRADEMARK
PRINCIPAL REGISTER**

GECKO

**GECKO TRADING COMPANY, INC. (HAWAII
CORPORATION)
3621 BALDWIN AVENUE
MAKAWO, HI 96768**

**OWNER OF U.S. REG. NOS. 1,510,173, 2,183,226
AND OTHERS.**

**FOR: TOYS, NAMELY, STUFFED TOYS ANI-
MALS AND FLYING DISKS, IN CLASS 28 (U.S.
CLS. 22, 23, 38 AND 50).**

SER. NO. 75-383,492, FILED 11-3-1997.

FIRST USE 1-1-1965; IN COMMERCE 11-11-1987.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Exhibit 14

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 1,903,602

United States Patent and Trademark Office Registered July 4, 1995

**TRADEMARK
PRINCIPAL REGISTER**

GECKO

GECKO TRADING COMPANY (HAWAII COR-
PORATION)
P.O. BOX 1650
MAKAWAO, HI 96768

FOR: CLOTHING; NAMELY, PAJAMAS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-6-1995; IN COMMERCE
2-6-1995.

OWNER OF U.S. REG. NOS. 1,510,173,
1,512,691, AND 1,514,657.

THE TERM "GECKO" IS BELIEVED TO BE
A HAWAIIAN TERM REFERRING TO A SPE-
CIES OF LIZARD.

SN 74-319,458, FILED 10-2-1992.

KAREN FEISTHAMEL, EXAMINING ATTOR-
NEY

Exhibit 15

Int. Cl.: 34

Prior U.S. Cls.: 2, 8, 9, and 17

United States Patent and Trademark Office

Reg. No. 2,482,688

Registered Aug. 28, 2001

**TRADEMARK
PRINCIPAL REGISTER**

GECKO

GECKO TRADING COMPANY, INC. (HAWAII
CORPORATION)
3621 BALDWIN AVENUE
MAKAWAO, HI 96768

FOR: CIGARS, CIGARETTES, AND SMOKING
ACCESSORIES, NAMELY, CIGARETTE AND CI-
GAR LIGHTERS NOT OF PRECIOUS METAL, CI-
GAR HOLDERS NOT OF PRECIOUS METAL, PIPE
CLEANERS, CIGAR HUMIDORS, CIGAR CUT-
TERS, CIGARETTE HOLDERS NOT OF PRECIOUS

METAL, AND ROLLING PAPERS, IN CLASS 34 (U.S.
CLS. 2, 8, 9 AND 17).

FIRST USE 6-6-2000; IN COMMERCE 6-6-2000.

OWNER OF U.S. REG. NOS. 1,510,173, 1,512,691,
AND 1,943,766.

SN 75-375,645, FILED 10-20-1997.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Exhibit 16

ESTTA Tracking number: **ESTTA252585**

Filing date: **12/03/2008**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: **Gekko Japan Co., Ltd**
Application Serial Number: **77492941**
Application Filing Date: **06/06/2008**
Mark: **8010 GEKKO**
Date of Publication: **11/11/2008**

First 30 Day Request for Extension of Time to Oppose

Pursuant to 37 C.F.R. Section 2.102, Gecko Trading Company, Inc., PO Box 1650, Makawao, HI 96768, UNITED STATES, a corporation organized under the laws of Hawaii, respectfully requests that it be granted a 30-day extension of time to file a notice of opposition against the above-identified mark.

The time within which to file a notice of opposition is set to expire on 12/11/2008. Gecko Trading Company, Inc. respectfully requests that the time period within which to file an opposition be extended until 01/10/2009.

Respectfully submitted,

/bbb/

12/03/2008

Bruce B. Brunda

Stetina Brunda Garred & Brucker

75 Enterprise Ste 250

Aliso Viejo, CA 92656

UNITED STATES

opposition@stetinalaw.com

949-855-1246

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Bruce B. Brunda
Stetina Brunda Garred & Brucker
75 Enterprise Ste 250
Aliso Viejo, CA 92656

Mailed: December 3, 2008

Serial No.: 77492941
ESTTA TRACKING NO: ESTTA252585

The request to extend time to oppose is granted until
1/10/2009 on behalf of potential opposer **Gecko Trading
Company, Inc.**

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

TRADEMARK TRIAL AND APPEAL BOARD RULE CHANGES

The USPTO has issued new rules pertaining to TTAB
proceedings. Parties are urged to familiarize themselves
with the new rules.

Among other changes, for any notice of opposition filed on
or after November 1, 2007, the new rules require an opposer
to provide proof of service of the notice of opposition
upon the applicant at the time the notice of opposition is
filed. Trademark Rule 2.101. (Parallel amendments to
Trademark Rule 2.111 require a petitioner to include proof
of service of the petition for cancellation.) Service may

be made by any of the means set out in Trademark Rule 2.119(b). A certificate of service is adequate proof of service; service by a process server is not necessary. A notice of opposition (or petition for cancellation) filed without a certificate of service will not be instituted.

The notice of final rulemaking and a chart summarizing the changes contained in the notice are available for viewing on the TTAB web page:

www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf

www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

PROOF OF SERVICE

State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to the within action; my business address is 75 Enterprise, Suite 250, Aliso Viejo, California 92656. On **January 12, 2009**, the attached **NOTICE OF OPPOSITION** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

Robert L. Titley
Quarles & Brady LLP
411 East Wisconsin Avenue
Milwaukee WI 53202

Executed on **January 12, 2009** at Aliso Viejo, California. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of STETINA BRUNDA GARRED & BRUCKER at whose direction service was made.



Laura Szigeti